



SEP 29 2004

Express Mail No. EV 432654583 US

FSUM 10463.21

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Robert A. Holton
Serial No. 10/609,301
Filed June 27, 2003
Confirmation No. 8048
For TAXANES HAVING A C10 HETEROSUBSTITUTED ACETATE SUBSTITUENT
Examiner Ba K. Trinh

Art Unit 1625

September 29, 2004

LETTER TO THE PATENT AND TRADEMARK OFFICE

TO THE COMMISSIONER FOR PATENTS,

SIR:

This letter is in response to the Office action dated July 1, 2004.

Reconsideration is requested of the rejection of claims 33-36, 38, 73, 74, 80, 81, 87, 88, and 91-95 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 42-74, 84-92, 98, and 99 of U.S. Patent No. 6,664,275. In the interests of expediting prosecution and without conceding the propriety of the rejection, enclosed herewith is a Terminal Disclaimer in accordance with 37 CFR 1.130(b) and 37 CFR 1.321(c) to obviate the rejection. Accordingly, applicants respectfully request the obviousness-type double patenting rejection be withdrawn and request allowance of claims 33-36, 38, 73, 74, 80, 81, 87, 88, and 91-95, which are now pending in this application.

* Enclosed is a check in the amount of \$110.00 in payment of the fee for the submission of a Statutory Disclaimer. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

Bradley S. Schammel, Reg. No. 54,667
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FEE TRANSMITTAL

Application Number 10/609,301

Filing Date June 27, 2003

Confirmation No. 8048

Inventor Robert A. Holton

Group Art Unit 1625

Examiner Name Ba K. Trinh

Attorney Docket Number FSUM 10463.21

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.

- The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.

- Applicant claims small entity status.

2. Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)

2. EXTRA CLAIM FEES Subtotal (2) \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. ADDITIONAL FEES Subtotal (3) \$ 110.00

- Surcharge - late filing fee or oath
- Surcharge - late provisional filing fee or cover sheet
- Extension for reply within _____ month
- Notice of Appeal
- Filing a Brief in Support of an appeal
- Request for ex parte Reexamination
- Petitions to the Commissioner
- Submission of Information Disclosure Statement
- Recording each patent assignment per property
- Request for Continued Examination
- Other: Terminal Disclaimer

TOTAL AMOUNT OF PAYMENT \$110.00

Bradley S. Schammel
Bradley S. Schammel, Reg. No. 54,667

9/29/04

Date

BSS/vlm

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